

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV532-RJC-DSC**

**OLYMPUS MANAGED
HEALTH CARE, INC. and
OLYMPUS HEALTHCARE
SOLUTIONS, INC.,**

Plaintiffs,

v.

**AMERICAN HOUSECALL
PHYSICIANS, INC., and
JONATHAN MCGUIRE,**

Defendants.

and

MEMORANDUM AND ORDER

**AMERICAN HOUSECALL
PHYSICIANS, INC., f/k/a
INROOMMD, INC.,**

**Third-Party Plaintiff, and
Counterclaimant**

v.

**RONALD A. DAVIS and
STEVEN W. JACOBSON,**

Third-Party Defendants

THIS MATTER is before the Court once again on a discovery issue , Defendant American Housecall Physicians, Inc.’s “Motion to Compel ...” (document #101) filed October 18, 2011, and

the parties' associated briefs and exhibits. See documents ## 102-104.¹ This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and is now ripe for the Court's consideration.

A detailed discussion of the factual background and procedural history in this matter is contained in the Court's "Memorandum and Order" (document #60) (denying Third-Party Defendants' "Motion to Compel (document #54)); "Memorandum and Order" (document #49) (granting in part and denying in part Defendant American Housecall Physicians, Inc.'s "Motion to Compel" (document #45)); and "Memorandum and Recommendation" (document #36) (recommending Third-Party Defendants' "Motion to Dismiss" (document #22) be granted in part and denied in part).

The Court has carefully reviewed the parties' submissions and concludes that Defendant's Motion to Compel should be granted in part and denied in part as follows:

1. Defendant's Motion to Compel Plaintiffs to respond to Defendant Jonathan McGuire's First Set of Interrogatories is granted as to Interrogatory Number Two only.
2. Defendant's Motion to Compel Plaintiffs to produce documents is granted as to Request for Production Number Two, but only as pertaining to Defendant Jonathan McGuire's Interrogatory Number Two, and is also granted as to Requests for Production Numbers Three, Four and Twenty-Four.
3. Defendant's Motion is denied in all other respects.

NOW THEREFORE, IT IS ORDERED:

1. Defendant American Housecall Physicians, Inc.'s "Motion to Compel ..." (document

¹This is the fourth Motion to Compel filed in this case and the second filed by Defendant. The other Motions to Compel were filed by the Third-Party Defendants.

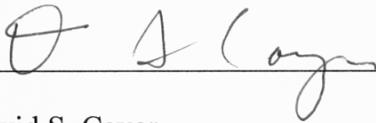
#101) is **GRANTED IN PART** and **DENIED IN PART**, as specified above.

2. Plaintiffs are **ORDERED** to serve complete responses to Interrogatory Number Two of Defendant Jonathan McGuire's First Set of Interrogatories and Requests for Production Number Two (only as pertaining to Interrogatory Number Two), Three, Four and Twenty-Four of Defendant American Housecall Physicians, Inc.'s Fourth Set of Requests for Production of Documents within fifteen (15) days of this Memorandum and Order.

3. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: November 28, 2011

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

